

### **REMARKS**

The following comments are responsive to the Non-Final Office Action of October 27, 2009 ("Action"). Reconsideration and allowance are respectfully requested based on the below remarks.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 25-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heller (US 2003/0043844) in view of Maggenti (US 6,633,765).

Applicants respectfully traverse for at least the following reasons.

The combination of Heller and Maggenti, even if proper, does not teach or suggest an apparatus of claim 25 that includes "a processor configured to define a group comprising one or more further hosts, . . . wherein the processor is configured to limit the group to further hosts situated at the same location."

On page 3, the Action indicates that:

**However Heller does not expressly disclose a processor for defining a group comprising one or more further hosts, wherein a further host is added to the group in response to the reception of a request; wherein the processor is configured to limit the group to further hosts situated at the same location.**

To remedy this deficiency, the Action cites Maggenti and asserts:

Maggenti teaches in col. 15 line 43 to col. 16 line 20 teaches a processor for identifying a multicast group and adding a member to a group upon receipt of a request. Maggenti further teaches in col. 9 lines 16-32 a base station that restricts the multicast group to only those wireless devices that are in its geographic coverage area, therefore the only users that are permitted to join the multicast group must be located within the coverage area of the base station where the coverage area is interpreted as the same location.

*Id.* Thus, the Action asserts that it would be obvious to modify the teaching of Heller, based on the teaching of Maggenti, to include a processor configured to define a multicast group and limit

that group to a particular location. Such a modification would not be obvious for at least the following reasons.

The teaching of Heller is limited to the transmission of web pages to an end user machine 12 in a unicast system. Heller discloses a method of providing a web page to an end user machine 12. The end user machine 12 transmits a request for the web page to a server 11. The request is intercepted by a gateway 26. A proxy unit 42 then spoofs a connection between the server 11 and the end user machine 12. *See e.g.*, Heller at ¶28. The proxy unit 42 then receives web page data, stores it in a cache 53, and obtains and stores other objects in the web page. *Id.* at ¶31. At least a portion of the cached data is then transmitted to the end machine 12 in bundled form. Heller provides one example in which data objects stored during an adjustable time interval are bundled together and sent to the end user machine 12. *Id.* at ¶32. The teaching of Heller is thus limited to the transmission of web pages to an end user machine 12 in a unicast system.

Heller does not envisage the use of its system in a multicast application. Moreover, it would not be obvious for the skilled person to modify the system of Heller to a multicast application. This is because the transmission of web pages is performed on request by an individual user and relatively instantaneous transfer of web page data to individual end user machines 12 is, therefore, required. It would not be obvious to adapt the system of Heller to provide the same data in a multicast transmission since the required modifications would not be compatible with the fundamental nature of Heller's system. The provision of a processor configured to define a group of one or more further hosts and the limitation of such a group to further hosts situated at the same location is thus not an obvious modification.

Therefore, without the benefit of hindsight, the skilled person would not adapt the teaching of Heller with the features of Maggenti selected by the Action.

The subject matter of claim 25, as well as of independent claims 33 and 40, thus are novel and non-obvious over the combination of Heller and Maggenti. The subject matter of the remaining claims is also non-obvious at least by way of dependency on claim 25, 33, or 40. Accordingly, Applicants request withdrawal of the rejection under 35 U.S.C. § 103.

**CONCLUSION**

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,  
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